

## **REMARKS**

Applicants thank the examiner for the courtesy of a telephone interview with Applicants' counsel on February 1, 2006. The examiner confirmed that as indicated in the Office Action Summary, the office action of December 13, 2005 is non-final. Applicants' counsel explained how the claim amendments had fully distinguished the transporter of the invention from Kamen et al. '425. The examiner argued that prior art vehicles had used attitude signals to control torque to the wheels, but no specific prior art reference was identified. Applicants submit that they have overcome the rejection based on Kamen '425 and await the identification of any other art that may impact the patentability of the claims.

Claims 1, 3, 4, 8 and 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamen et al. '425. Claim 1 specifically defines attitude as "the orientation of the support platform with respect to the surface beneath and in contact with the at least one ground-contacting elements." Claim 14 as amended specifically recites "attitude with respect to a surface beneath the transporter." Sensor A of Kamen '425 does not satisfy the claim recitation of claim 1 for "a sensor module for generating a signal characterizing the attitude of the support platform." Similarly, sensor A does not generate "a signal characterizing an attitude of the support platform" as claimed in claim 14. Rather, sensor A, as taught by Kamen '425, looks in a forward direction as shown in Fig. 46 and described at column 20, lines 57-59. Sensor A does not sense the surface beneath the transporter and therefore has no correspondence to these elements of the claims.

Sensor B, on the other hand, does look in a downward direction for sensing distance to the ground below. Kamen '425 does not teach using sensor B to provide attitude information. Indeed, sensor B is "mounted to the cluster tube" (col. 20, l. 66) as shown in Figs. 46 and 47. Kamen '425 does not show placing sensor B in connection with the support platform so that attitude can be determined. Therefore, Kamen '425 fails to disclose attitude sensors as claimed by Applicants. Furthermore, sensor B is used to detect steps not to determine attitude of the support platform. The signal provided by sensor B is used to switch the vehicle between balance mode and lean mode. "When sensor B senses a step..., the vehicle enters lean mode." (col. 21, l. 18-20). As such,

sensor B acts as a switch between the two modes. Thus, the signal from sensor B is not used to apply torque to the ground contacting elements as a function of attitude. The readings for sensor B are merely compared to thresholds in order to trigger a switch.

To summarize, neither sensor A nor sensor B provide a signal characterizing attitude of the support platform. Furthermore, neither of these sensors are used to provide a torque as a function of attitude based upon the signal from the sensor. For these reasons, Applicants' respectfully submit that the rejection based on sensors A and B in Kamen '425 has been overcome.

To more completely eliminate Kamen '425 as prior art to the present application, Applicants note that sensor C is mounted to the footrest of chair 461. Again, sensor C is used in conjunction with sensor B to detect the presence or absence of steps. "When sensor C senses a step (as a change in distance to the ground) the vehicle enters lean mode." (col. 22, l. 7-9). There is no suggestion in Kamen '425 that the sensor C be used for applying torque as a function of attitude. Finally, Kamen '425 also refers to inclinometers for detecting pitch. The inclinometers measure "the pitch angle of the vehicle with respect to gravity." (col. 5, l. 44-45). Thus, the inclinometers are not used for determining attitude with respect to a surface beneath the transporter as required in the claimed invention.

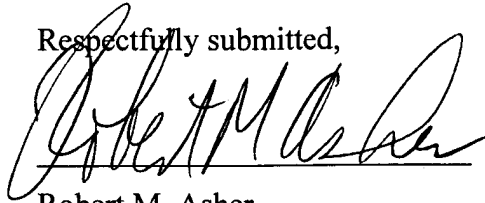
While pitch and attitude may have the same values in the particular instance when the ground beneath the transporter is horizontal, these are different measurements. Pitch is measured with respect to gravity. Attitude is a measurement with respect to the surface beneath the transporter. The inclinometers of Kamen '425 measure pitch not attitude.

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen '425 in view of Woods. Woods does not satisfy the deficiencies of Kamen '425 with respect to claim 1 discussed above. Thus, for the reasons recited above with respect to claim 1, claim 2 should be allowed.

Claims 5-7 and 9-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen et al. '425 in view of Sugawara. Sugawara fails to satisfy the deficiencies of Kamen '425 with respect to claim 1. Thus, for the reasons discussed above with respect to claim 1, dependent claims 5-7 and 9-10 should be allowed.

Applicants respectfully submit that all claims present in the application are allowable over the art of record and early notice to that effect is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert M. Asher", written over a horizontal line.

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